

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:


A Resolution authorizing
recovery of abatement costs
pursuant to EMC 1.20.090
at 3135 Tulalip Avenue,
Everett, Washington

_____ Briefing
_____ Proposed Action
_____ Consent
_____ Action
_____ First Reading
_____ Second Reading
_____ Third Reading
_____ Public Hearing
_____ Budget Advisory

COUNCIL BILL #
Originating Dept.
Contact Person
Phone Number
FOR AGENDA OF

_____ Code Enforcement
_____ Kevin Fagerstrom
_____ 425-257-8565
_____ March 8, 2017

Initialed by:
Department Head
CAA
Council President

_____  _____

Location

3135 Tulalip
Avenue, Everett,
Washington,
98201

Preceding Action

Attachments

Resolution, Summary of Activities,
Report of Expenses, Hearing
Examiner's Order, Contractor's
Invoice, Notice of Payment Due,
Notice of Council Hearing

Department(s) Approval

Legal,
Code Enforcement

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

The Everett Municipal Code (Section 1.20.090) authorizes the City to abate code violations and recover the abatement costs. On January 23, 2014 the City of Everett Violations Hearing Examiner ordered that the Property owner remove of all discarded items from the yards of the property and make the largely unlawful residence safe for occupancy by obtaining building permits and doing any work necessary to make the residential structure code-compliant. The Examiner also imposed a penalty of \$3000. The violations were not abated in accordance with the Examiner's order and, pursuant to a warrant of abatement issued by the Snohomish County Superior Court, the City abated the violations, which included removal of all discarded items on the property and the demolition of the residential structure on site. The Property owner failed to pay the abatement costs and penalty, which are now past due. This Resolution authorizes placement of an assessment lien on the property on or after March 8, 2017, in the amount of the outstanding costs of abatement (including administrative costs) and the penalty imposed by the Examiner, which total \$87,511.30.

RECOMMENDATION (Exact action requested of Council):

Adopt a Resolution authorizing recovery of abatement costs pursuant to EMC 1.20.090 at 3135 Tulalip Avenue, Everett, Washington.

RESOLUTION NO.

A RESOLUTION authorizing recovery of abatement costs pursuant to EMC 1.20.090 at 3135 Tulalip Avenue, Everett, Washington.

WHEREAS, the Everett Municipal Code (the “EMC”) Section 1.20.090 authorizes the City to abate code violations and recover the abatement costs; and

WHEREAS, on January 23, 2014 the City of Everett Violations Hearing Examiner issued an Order against the property owner Lynda J. Yost (the “Owner”) for EMC violations at 3135 Tulalip Avenue (the “Property”), parcel number 00583972701700, and abbreviated legal description:

STANFORD LAND CO S ADD TO EVERETT BLK 727 D-00 - LOT 18 TGW ALL TH PTN LOT 17
LY SELYOF A LN WH IS PLT & 12.5 FT DIST FR NWLYLN SD LOT 17

WHEREAS the Owner failed to abate the violations, which included removal of all discarded items from the yards of property, and making the largely unlawful residence safe for occupancy by obtaining building permits and doing any work necessary to make the residential structure code compliant; and

WHEREAS, Ms. Yost made very little progress on the abatement of the discarded property in her yard and made no progress toward bring the residence into compliance with the EMC (even after a fire severely damaged the second story of the residential structure) and several instances of individual unlawfully staying the residential structure; and

WHEREAS, the City commenced a nuisance abatement lawsuit in Snohomish County Superior Court to seek authority to conduct the abatement itself with Ms. Yost being solely responsible for the abatement costs; and

WHEREAS, the Superior Court granted the City’s request and issued the City a Warrant of Abatement to enter onto Ms. Yost’s property to demolish the unlawful residential structure and to remove the discarded items from the yards; and

WHEREAS, the City, through a contractor, began the abatement of the property by demolishing the residential structure and removing the discarded items on October 17, 2016; and

WHEREAS, the City incurred costs in the amount of \$87,511.30; and

WHEREAS, the Owner has failed to timely pay the abatement costs; and

WHEREAS, notice of Council's consideration of this Resolution was provided to the Owner;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Everett that the costs and penalties set forth in the report attached hereto is confirmed for the Property. The City Treasurer is authorized to certify the amount due and owing to the County Treasurer, which amount shall then be entered as an assessment upon the tax rolls against the property with interest as provided by law.

Councilperson Introducing Resolution

PASSED AND APPROVED this _____ day of _____, 2017

Council President



Police Code Enforcement Unit

Summary of Activities 3135 Tulalip Avenue

08/07/13: Initial inspection revealed a vacant and unsecured residential structure, discarded bagged trash, landscape waste, furniture, debris and overgrown vegetation on the property.

12/12/13: A Notice of Condemnation issued for occupancy of residential structure without required water and electrical service.

12/18/13: Violation Citation issued for nuisance and IPMC violations.

01/15/14: Inspection of the property revealed residential structure vacant and nuisance violations remain in public view on the property.

01/23/14: Hearing Examiner Order issued with compliance date of July 23, 2014 to abate violations.

07/23/14: Inspection revealed nuisance and IPMC violations remain on the property.

12/10/14: Inspection revealed a vacant and unsecured residential structure, discarded bagged trash, landscape waste, furniture, debris and overgrown vegetation on the property.

04/13/15: Structure fire occurred that caused extensive damage.

04/14/15: Inspection revealed a vacant house that was unsecured and open to trespass. The yard contained discarded bagged trash, furniture, debris and the vegetation was overgrown.

04/20/15: An Order of the City of Everett Code Official was issued for vacant and unsecured and dangerous structure.

04/27/15: Deadline for corrective action to secure the residential structure from trespass and removal of discarded items in yards.

05/04/15: Abatement completed by Combined Construction, Inc.

07/23/15: Inspection revealed progress towards removal of discarded items and overgrown vegetation from the property by Property owner.

09/21/15: Inspection revealed residential structure on site vacant, posted condemned and secure. Additional discarded items, inoperable vehicles and overgrown vegetation were visible on the property.

11/03/15: Inspection revealed discarded items and overgrown vegetation remain in public view on the property.

04/25/16: Inspection revealed vacant and unsecured residential structure on site, discarded junk, bagged trash, furniture, construction debris, household and personal items and overgrown vegetation in public view on the property.

06/30/16: Order Granting Summary Judgment, Declaring Public Nuisances, and Issuing Injunction and Warrant of Abatement filed with Superior Court.

10/17/16: Abatement completed by Forma Construction Company.

01/23/17: Notice of abatement cost sent via regular, certified mail and posting.

02/23/17: Notice of Council Hearing is sent certified and posted on property.

03/08/17: Council Hearing.



**Everett Police Department
Code Enforcement Unit**

March 8, 2017

City of Everett – Code Enforcement Unit

Violations Hearing Examiner Order dated January 23, 2014

Abatement of violations for property located at: 3135 Tulalip Avenue, Everett,
Washington

Itemized Statement for: Lynda J. Yost

Case #: CE13-0638

Abatement Date: October 17, 2016

1) City of Everett Fees for abatement costs incurred:

Hearing Examiner Fine	\$ 3,000.00
Abatement of violations (Forma Construction Company)	\$81,296.87
Attorney's Fees	\$ 200.00
Administrative Personnel Costs	\$ 2,774.43
Costs	\$ 240.00

Total: \$87,511.30



CITY OF EVERETT Violations Hearing Examiner

City of Everett, a Washington)	
Municipal Corporation,)	Case No: CE13-0638
Petitioner,)	FINAL
vs.)	FINDINGS OF FACT,
Lynda J. Yost)	CONCLUSIONS OF LAW
3135 Tulalip Avenue)	AND ORDER OF THE
Everett, Washington 98201)	HEARING EXAMINER
Respondent)	

INTRODUCTION

A hearing on the above captioned matter was held before the Hearing Examiner of the City of Everett on January 23, 2014. At the hearing, the following presented testimony and evidence:

Cindy Keirse, City of Everett Code Enforcement Officer
 Ted Budden, City of Everett Building Division
 Lynda J. Yost, Owner
 Collin Olivers, City of Everett Legal Department
 Katie Rathbun, City of Everett Legal Department

EXHIBITS

At the hearing the following exhibits were submitted and were admitted as part of the official record of these proceedings:

Exhibit 1a-1j	Pre-Hearing Inspection Photos dated January 15, 2014
Exhibit 2a-2j	Inspection Photos dated December 18, 2013
Exhibit 2k-2dd	Inspection Photos dated December 12, 2013
Exhibit 2ee-2ii	Inspection Photos dated October 16, 2013
Exhibit 2jj-2vv	Inspection Photos dated August 7, 2013
Exhibit 3	<u>Proposed</u> Order as submitted by the City of Everett Code Enforcement Unit dated January 23, 2014
Exhibit 4	Violation Citation dated December 31, 2013 with mail receipts
Exhibit 5	Declaration of Service dated December 31, 2013 with photos
Exhibit 6	Notice of Trustee's Sale dated May 28, 2013
Exhibit 7	Email from Kathy Hanka dated December 11, 2013
Exhibit 8	Condemnation Placard dated December 12, 2013
Exhibit 9	Letter of Condemnation dated December 12, 2013
Exhibit 10	Email from Ted Budden dated December 31, 2013

Exhibit 11	City of Everett Building Division Inspection Report dated December 31, 2013
Exhibit 12	Unsafe Structure Placard dated December 31, 2013 with photos
Exhibit 13	Snohomish County Assessors Record dated January 16, 2014
Exhibit 14	Go Sync Maps with aerial view
Exhibit 15	Exhibit List dated January 23, 2014
Exhibit 16	Stipulated Order of Dismissal #11-2-10415-8 dated November 14, 2013

Based upon a review of the above record, the following Findings of Fact and Conclusions of Law hereby constitute the basis of the decision of the Everett Violations Hearing Examiner.

FINDINGS OF FACT

1. Lynda J. Yost, Respondent, is the owner of record of the property at 3135 Tulalip Avenue, Everett, Washington (property). The property is in an R-1 Single Family Detached Low Density zone as established by the City of Everett. (*Exhibit #13, Snohomish County Assessors Record dated January 16, 2014*) (*Exhibit #14, Go Sync Maps with aerial view*)
2. On August 7, 2013, City of Everett Code Enforcement Officer (ECE) Cindy Keirseay conducted an inspection of the property with City of Everett Police Sergeant Bruce Bosman. While on site she observed and photographed the following conditions:
 - a. A vacant house was unsecure and open to trespass. Sgt Bosman informed ECE Officer Keirseay that he had put padlocks on the structure to deter occupancy but the locks had been removed.
 - b. The yards of the property had not been properly maintained and vegetation on site exceeded twelve (12) inches in height.
 - c. Discarded bagged trash, bagged yard waste, furniture and personal items were in the driveway and yards of the property.
 - d. The structure on site was in poor condition with gutters hanging unattached and alterations had been made to the structure.
3. Based on observations of ECE Officer Keirseay a notice of foreclosure trustee sale had been posted on the structure with a sale date of October 4, 2013. The sale was not consummated. (*Exhibit #2jj-2vv, Inspection Photos dated August 7, 2013*) (*Exhibit #6, Notice of Trustee Sale dated May 28, 2013*) (*Testimony of Code Enforcement Officer Keirseay*)
4. On October 16, 2013, ECE Officer Keirseay reinspected the property and observed and photographed that the violations and conditions of the property previously observed remained on site. (*Exhibit #2ee-2ii, Inspection Photos dated October 16, 2013*) (*Testimony of Code Enforcement Officer Keirseay*)
5. On December 11, 2013, Sgt Bosman notified ECE Officer Keirseay that the Respondent's adult daughter was occupying the residential structure on the

property even though the property was without required utilities. ECE Officer Keirsej confirmed with the City Utilities Department that water service had been disconnected on December 22, 2011. The Snohomish County Public Utilities confirmed that electrical service had been shut off on August 30, 2013. (*Exhibit #7, Email from Kathy Hanka dated December 11, 2013*) (*Testimony of Code Enforcement Officer Keirsej*)

6. On December 12, 2013, ECE Officer Keirsej reinspected the property and observed and photographed that plywood used to board up the structure had been removed and furniture and personal items were inside the structure. The gutters on the exterior of the structure were falling; the porches of the structure were in a deteriorated condition; and modifications to the front porch had been done to secure the rotted rafters. She also observed that there was furniture, bagged trash, mattresses, personal belongings, household items and stacks of plywood discarded in the yards of the property. Vegetation in the yards was overgrown and shrubs were obstructing pedestrian traffic on the sidewalk. (*Exhibit #2k-2dd, Inspection Photos dated December 12, 2013*) (*Testimony of Code Enforcement Officer Keirsej*)
7. On December 12, 2013, ECE Officer Keirsej posted the property with a condemnation placard because of a lack of required utilities in the structure. A letter of condemnation was mailed to the Respondent via first class mail on December 12, 2013. (*Exhibit #8, Condemnation Placard dated December 12, 2013*) (*Exhibit #9, Letter of Condemnation dated December 12, 2013*) (*Testimony of Code Enforcement Officer Keirsej*)
8. On December 18, 2013, ECE Officer Keirsej reinspected the property and observed and photographed that conditions remained the same as previously observed. She also observed that some windows of the structure had been broken and guardrails of the upper story deck and stairway were missing. (*Exhibit #2a-2j, Inspection Photos dated December 18, 2013*) (*Testimony of Code Enforcement Officer Keirsej*)
9. On December 31, 2013, Ted Budden, City of Everett Building Inspector, conducted an inspection of the exterior surfaces of the structure and observed that the roof was damaged and decayed and that the upper decks were in a dilapidated condition with missing handrails. He also observed an unsafe electrical installation on portions of the exterior of the structure. Inspector Budden posted an unsafe structure placard on the building. (*Exhibit #10, Email from Ted Budden dated December 31, 2013*) (*Exhibit #11, City of Everett Building Division Inspection Report dated December 31, 2013*) (*Exhibit #12, Unsafe Structure Placard dated December 31, 2013 with photos*) (*Testimony of Inspector Budden*)
10. On December 31, 2013, the City issued the Respondent a violation citation for violations of EMC 8.20.020(A)(C)(E)(G), EMC 8.08.020, International Property Maintenance Code (IPMC) 108.1.3 as adopted by EMC 16.005.010, IPMC 108.1.1

as adopted by EMC 16.005.010, IPMC 301.3 as adopted by EMC 16.005.010, International Residential Code (IRC) 2009 R113.1 as adopted by EMC 16.005.010 and IRC 2009 R105.1 as adopted by EMC 16.005.010. Copies were mailed to the Respondent via first class and certified mail to the Respondents last known address which ECE Officer Keirsej obtained from Snohomish County Assessors Record. A copy of the citation was posted at the property. Each method of service used is independently sufficient to provide notice. (Pursuant to EMC 1.20.010.C.1) (*Exhibit #4, Violation Citation dated December 31, 2013 with mail receipts*) (*Exhibit #5, Declaration of Service dated December 31, 2013 with photos*) (*Testimony of Code Enforcement Officer Keirsej*)

11. On January 14, 2014, the Respondent contacted ECE Officer Keirsej and stated that she was working to clean up the property and would call for an inspection when she was done. (*Testimony of Code Enforcement Officer Keirsej*)
12. On January 15, 2014, ECE Officer Keirsej reinspected the property and observed and photographed that violations of the EMC remained on site. She conducted a search of the City of Everett building records and found that although there were several expired permits for work on the property and an application for the upper story deck had been submitted, no permit had been issued. The trustee sale on the property had been postponed to January 17, 2014. (*Exhibit #1a-1j, Pre-Hearing Inspection Photos dated January 15, 2014*) (*Testimony of Code Enforcement Officer Keirsej*)
13. The City provided the Respondent with an opportunity to correct the conditions that are in violation of sections of the EMC and provided a deadline date of January 15, 2014 for corrective action and provided notice of the date, time and place of this hearing. The Respondent appeared at the hearing.

Based on the above Findings of Fact, the Violations Hearing Examiner enters the following Conclusions:

CONCLUSIONS OF LAW

Jurisdiction:

Pursuant to Chapter 1.20 EMC or any Everett Municipal Code (EMC) provisions that identify Chapter 1.20 EMC for enforcement, the Violations Hearing Examiner of the City of Everett has jurisdictional authority to hold this hearing and to issue the decision.
EMC §1.20.020

Applicable Law:

1. **EMC 8.20.020**, which reads:

No person owning, leasing, renting, occupying or having charge or possession of any property in the city, including vacant lots, shall maintain or allow to be maintained on such property except as may be allowed by any other city ordinance

any of the following conditions visible from any public street, alley or other public or private property:

- (A) Junk, trash, litter, boxes, discarded lumber or salvage materials or other similar materials in any front yard, side yard, rear yard or vacant lot.*
- (C) Broken or discarded furniture, household equipment and furnishings in any front yard, side yard, rear yard or vacant lot;*
- (E) Dead, decayed, diseased, noxious or hazardous trees, or vegetation or any vegetation (not including vegetation located in flower beds) taller than four-two inches high or grass taller than twelve inches in height in any front yard, side yard, rear yard or vacant lot*
- (G) Vehicle parts or other articles of personal property which are discarded or left in a state of partial construction or repair in any front yard, side yard, rear yard or vacant lot;*

2. IPMC 108.1.1 Unsafe structures, which reads:

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

3. IPMC 108.1.3 Structure unfit for human occupancy, which reads:

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

4. IPMC 301.3 Vacant Structures and Land, which reads:

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

5. IRC 2009 R105.1 Permit required, which reads:

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas,

mechanical or plumbing system, the installation of which is regulated by this code, or cause any such work to be done, shall first make application to the building official and obtain the required permit.

6. IRC 2009 R113.1 Unlawful acts, which reads:

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause the same to be done, in conflict with or in violation of any of the provisions of this code.

Conclusions of Law Based on Above Findings:

1. By allowing discarded litter, junk, furniture, tires, household equipment, vehicle parts and articles of personal property to accumulate and remain in the yards of the property in public view, the Respondent violated EMC 8.20.020(A)(C)(G). These violations are public nuisances.
2. By allowing vegetation on the property to exceed twelve (12) inches in height and shrubs to grow over the sidewalk thereby obstructing pedestrian traffic, the Respondent violated EMC 8.20.020(E). These violations are public nuisances.
3. By allowing tenants to occupy the structure without required City utilities, thereby rendering it unfit for human habitation, the Respondent violated IPMC 108.1.1 and IPMC 108.1.3.
4. By allowing construction work to occur on the structure without required City inspections and approvals, the Respondent violated IRC 2009 R105.1 and IRC 2009 R113.1.
5. By failing to maintain the vacant structure and yards on the property, the Respondent violated IPMC 301.3.

ORDER

Based on the Findings of Fact and Conclusions of Law as stated above, it is hereby determined that the Respondent is in violation of EMC 8.20.020(A)(C)(E)(G), IPMC 108.1.1, IPMC 108.1.3, IPMC 301.3, IRC R113.1 and IRC R105.1 and is hereby ordered to:

1. The Respondent shall abate all violations of EMC 8.20.020(A)(C)(E)(G), IPMC 108.1.1, IPMC 108.1.3, IPMC 301.3, IRC R113.1 and IRC R105.1 on property located at 3135 Tulalip Avenue, Everett, Washington.
2. All abatement of the violations on said property shall be completed by **February 7, 2014** unless otherwise stated. The cleanup and abatement shall include:

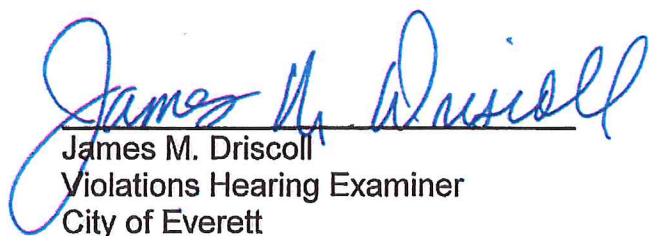
- a. The Respondent shall either properly store or remove and properly dispose of all discarded litter, junk, furniture, tires, household equipment, vehicle parts and articles of personal property in the yards of the property.
 - b. The Respondent shall not allow persons to reside in the structure on the property.
 - c. The Respondent shall maintain the structure on the property and exterior yards in a clean, safe, secure and sanitary condition with the buildings secured from unauthorized entry, yards mowed and properly maintained free from trash and debris while vacant.
 - d. The structure on the property shall remain vacant, condemned and unoccupied until the City of Everett Building Division approves it for occupancy.
 - e. The Respondent shall apply for and obtain all of the necessary and required permits to bring the structure on the property into compliance with the EMC. They shall conduct and complete all of the required work and have the work inspected and approved by the City of Everett Building Division within 180 days from the date of the hearing, or, by July 23, 2014. Any violations not listed in this Order are subject to standard enforcement processes and procedures.
3. The Respondent shall be fined \$500.00 for each of the following violations of EMC 8.20.020(A)(C)(E)(G), IPMC 108.1.1, IPMC 108.1.3, IPMC 301.3, IRC R113.1 and IRC R105.1 the total fine is \$3000.00. Of this fine \$1500.00 will be suspended if all requirements of the abatement be completed by July 23, 2014. If the abatement has not been completed by July 23, 2014, then the suspended portion will be due immediately.
 4. The Respondent shall not violate any ordinance set forth in EMC §1.20.020 or any ordinance or regulation that identifies the enforcement procedure described in Chapter 1.20 EMC as the enforcement procedure for said regulations or ordinance, for the next twenty-four (24) months.
 5. The Respondent shall pay the \$1500.00 fine no later than February 7, 2014. Payment shall be made to the City of Everett Treasurer at 2930 Wetmore Suite 100, Everett Washington, 98201. If payment is not made on or before February 7, 2014, collection action will be taken, which may include assigning the debt to a collection agency pursuant to EMC §1.20.050(D).
 6. This written Order shall be controlling over any conflicts with oral Orders issued at the Public Hearing.
 7. If the Respondent fails to abate the identified violations as directed by this Order, the City of Everett is authorized to undertake and complete the abatement in conformance with the provisions of the Everett Municipal Code, Chapter 1.20, at the

full expense of the owner, which shall be in addition to the fines as imposed herein. The City may act without further order or direction of the Violations Hearing Examiner.

8. Any appeal of this Order must be filed in Superior Court and be made within twenty-one days of the issuance of this Order and comply with the procedures set forth in Chapter 36.70C of the Revised Code of Washington. EMC §1.20.040 (F)(8)(h).

Violation of this Order is a misdemeanor offense EMC §1.20.080.

Done and dated 23rd day of January, 2014.


James M. Driscoll
Violations Hearing Examiner
City of Everett

Anne Weech, do hereby certify that on
Jan 27, 2014, I mailed certified / 1st class
Lynda Yost hand delivered
a true and accurate copy of the order / VC issued re:
case # CE13-0638
Anne Weech
Signature

Application and Certification for Payment

To (Owner): City of Everett
3200 Cedar Street
Everett, WA

Contract No.: N/A
Work Order No.: 36
Contract PO No.: JC16056 Yost House Demo
WO PO No.: N/A

From (Contractor): Forma Construction Company
1736 4th Avenue South
Seattle, WA 98134

Application No.: 01
Application Date: 10/31/2016
Payment Period: 10/1/16 - 10/31/16

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment as shown below:

1.	Original Work Order Sum	\$	76,791.53
2.	Net Change(s) by Change Order(s)		(\$2,343.85)
3.	Total Work Order Sum (Line 1 + Line 2)	\$	74,447.68
4.	TOTAL EARNED (Completed Work)	\$	74,447.68
5.	Balance to Complete (Line 3 - Line 4)	\$	-
6.	RETAINAGE on TOTAL EARNED	\$	-
7.	Total Earned Less Retainage (Line 4 - Line 6)	\$	74,447.68
8.	Previously Approved (Line 7 from Previous Application)	\$	-
9.	Current Amount Due (Line 7 - Line 8)	\$	74,447.68

10.	WA State Sales Tax, if applicable (Total Applied to Date)	\$	6,849.19
11.	Less WSST Previously Paid	\$	-
12.	WSST Due this Period (Line 10 - Line 11)	\$	6,849.19
13.	Total Payment Due with WSST (Line 9 + Line 12)	\$	81,296.87

Retainage Rate 0%

CONTRACTOR'S CERTIFICATION

The undersigned Contractor certifies that to the best of Contractor's knowledge, information and belief, the Work covered by his Application for Payment has been completed in accordance with the Contract Documents and in a good and workmanlike manner by appropriate means; that all amounts, including applicable sales tax, have been paid by Contractor for Work for which previous Certificates of Payment were issued and payment received from the Owner; that the prevailing wages have been paid in accordance with the pre-filed statement or statements of intent to pay prevailing wages; and that payment as shown herein is now due.

CONTRACTOR:

By:

Date: 10/26/2016

CITY OF EVERETT CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents and based on observations at the site, review of Contractor's record drawings as of the date of this Application, the Resident Engineer certifies to the Owner that to the best of his/her knowledge, information and belief, the Work has progressed as indicated and in accordance with the Contract Documents, that all required inspections have been performed, and the Contractor is entitled to payment in the Amount Certified below.

AMOUNT CERTIFIED

(attach explanation if amount certified differs from the amount applied for)

CITY OF EVERETT

By:

Project Manager

Date: 11/8/16

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Contract No.: N/A
 Work Order No.: 36
 PO No.: JC16056 Yost House Demo
 PO Release No.: 001
 Pay App No.: 31-Oct-16

Item	Description	Qty	UOM	Unit Cost	Extended Amount	Work Completed - Percentage			Work Completed - \$		
						Previous	Current	Total	Previous	Current	Total
1	General Requirements	1	LS	\$ 13,628.43	\$ 13,628.43	0%	100%	100%	\$ -	\$ 13,628.43	\$ 13,628.43
2	Existing Conditions	1	LS	\$ 37,817.01	\$ 37,817.01	0%	100%	100%	\$ -	\$ 37,817.01	\$ 37,817.01
3	Wood, Plastic, and Composites	1	LS	\$ 329.86	\$ 329.86	0%	100%	100%	\$ -	\$ 329.86	\$ 329.86
4	Earthwork	1	LS	\$ 24,539.23	\$ 24,539.23	0%	100%	100%	\$ -	\$ 24,539.23	\$ 24,539.23
5	Utilities	1	LS	\$ 477.00	\$ 477.00	0%	100%	100%	\$ -	\$ 477.00	\$ 477.00
6		1	LS	\$ -	\$ -	0%	0%	0%	\$ -	\$ -	\$ -
7		1	LS	\$ -	\$ -	0%	0%	0%	\$ -	\$ -	\$ -
8		1	LS	\$ -	\$ -	0%	0%	0%	\$ -	\$ -	\$ -
9		1	LS	\$ -	\$ -	0%	0%	0%	\$ -	\$ -	\$ -
10		1	LS	\$ -	\$ -	0%	0%	0%	\$ -	\$ -	\$ -
11		1	LS	\$ -	\$ -	0%	0%	0%	\$ -	\$ -	\$ -
Subtotal					\$ 76,791.53				\$ -	\$ 76,791.53	\$ 76,791.53
Change Orders											
CO 001	Supp #1, Abatement cost and Deduct for Earthwork	1	LS	\$ (2,343.85)	\$ (2,343.85)	0%	100%	100%	\$ -	\$ (2,343.85)	\$ (2,343.85)
CO 002		1	LS	\$ -	\$ -	0%	0%	0%	\$ -	\$ -	\$ -
CO 003		1	LS	\$ -	\$ -	0%	0%	0%	\$ -	\$ -	\$ -
Total Executed Change Orders to Date					\$ (2,343.85)				\$ -	\$ (2,343.85)	\$ (2,343.85)
Total Cost					\$ 74,447.68				\$ -	\$ 74,447.68	\$ 74,447.68
Retention					\$ -				\$ -	\$ -	\$ -
Net Amount Due					\$ -				\$ -	\$ 74,447.68	\$ 74,447.68

Base Work Order % Complete 100%
 Total Work Order % Complete 100%

Acceptance of % billed:
 BY: *[Signature]* Date: 11/18/16
 Project Manager

BY:
 Purchasing



**EVERETT POLICE DEPARTMENT
CODE ENFORCEMENT UNIT**

January 23, 2017

Lynda Yost
PO Box 54
Everett, WA 98206

Re: Case #CE13-0638: City of Everett Violations Order; Property Abatement
Violation Address: 3135 Tulalip Avenue, Everett, WA 98201

Dear Lynda Yost,

On January 23, 2014 the City of Everett Hearing Examiner issued an Order requiring you to abate the violations of EMC 8.20.020(A)(C)(E)(G), IPMC 108.1.1, IPMC 108.1.3, IPMC 301.3, IRC R113.1 and IRC R105.1 on the property noted above which required a corrective action date of July 23, 2014. A \$3000.00 fine was also assessed. You failed to abate all or part of the violations. Pursuant to an Order Granting Summary Judgment, Declaring Public Nuisances, and Issuing Injunction and Warrant of Abatement, the City abated the outstanding violations.

The abatement of the violations on the property was completed on October 17, 2016, pursuant to the Warrant of Abatement and provisions of the Everett Municipal Code, chapter 1.20. The cost to the City for this work is \$87,511.30 and an invoice is attached. According to EMC 1.20.090 (B), all costs of abatement, including incidental expenses, shall be billed to the Respondent and become due and payable 30 days from the date of this bill. Failure to pay this fine could result in an assessment lien against the property.

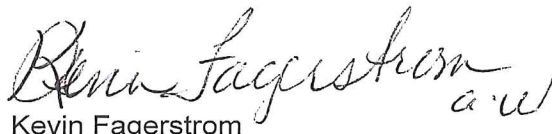
Please note that this is the only notice you will be receiving from the City in regards to this matter.

Payment shall be made to:

**City of Everett
Treasurer's Office
2930 Wetmore, Suite 100
Everett, WA 98201**

Please reference your **Case Number CE13-0638** on your check, money order or at the time of payment. If you have any questions, please contact our office at (425)257-8560.

Thank you for your prompt response,


Kevin Fagerstrom
Code Enforcement Supervisor
Code Enforcement Unit
Everett Police Department

Anne Weech, do hereby certify that on
Jan 23, 2017, I mailed certified / 1st class
Lynda Yost
a true and accurate copy of the order / VC issued re:
case # CE13-0638 Abate Fine
Anne Weech
Signature



POLICE

CODE ENFORCEMENT UNIT

February 22, 2017

NOTICE OF HEARING

Lynda J. Yost
PO Box 54
Everett, WA 98206

Re: Case Number CE13-0638
3135 Tulalip Avenue

Dear Ms. Yost,

You are hereby notified that there will be a public hearing before the Everett City Council regarding your property located at 3135 Tulalip Avenue, Everett, Washington, the legal description of which is follows:

STANFORD LAND CO S ADD TO EVERETT BLK 727 D-00 - LOT 18 TGW ALL TH PTN LOT 17 LY
SELYOF A LN WH IS PLT & 12.5 FT DIST FR NWLYLN SD LOT 17

TAX PARCEL NUMBER: 00-5839-727-017-00

SUBJECT: The Code Enforcement Unit will request City Council adopt a resolution confirming the expenses incurred by the City of Everett while performing abatement of violations and authorizing placement of lien against the above-described property in the amount of the abatement costs. This amount totals \$87,511.30. The resolution and packet to be presented to the City Council are enclosed.

The City Council will formally consider adopting/denying the resolution at the date, time, and location below.

DATE: Wednesday, March 8, 2017

TIME: 6:30 pm

LOCATION: City Council Chambers
3002 Wetmore Avenue
Everett, WA 98201

Please contact me at (425) 257-8565 with any questions.

Kevin Fagerstrom, Supervisor Code Enforcement Unit

I, Anne Weech, do hereby certify that on
Feb 22, 2017, I mailed certified / 1st class
Lynda Yost

a true and accurate copy of the order / VC issued re:
case # CE13-0638 Hearing Notice
Anne Weech
Signature

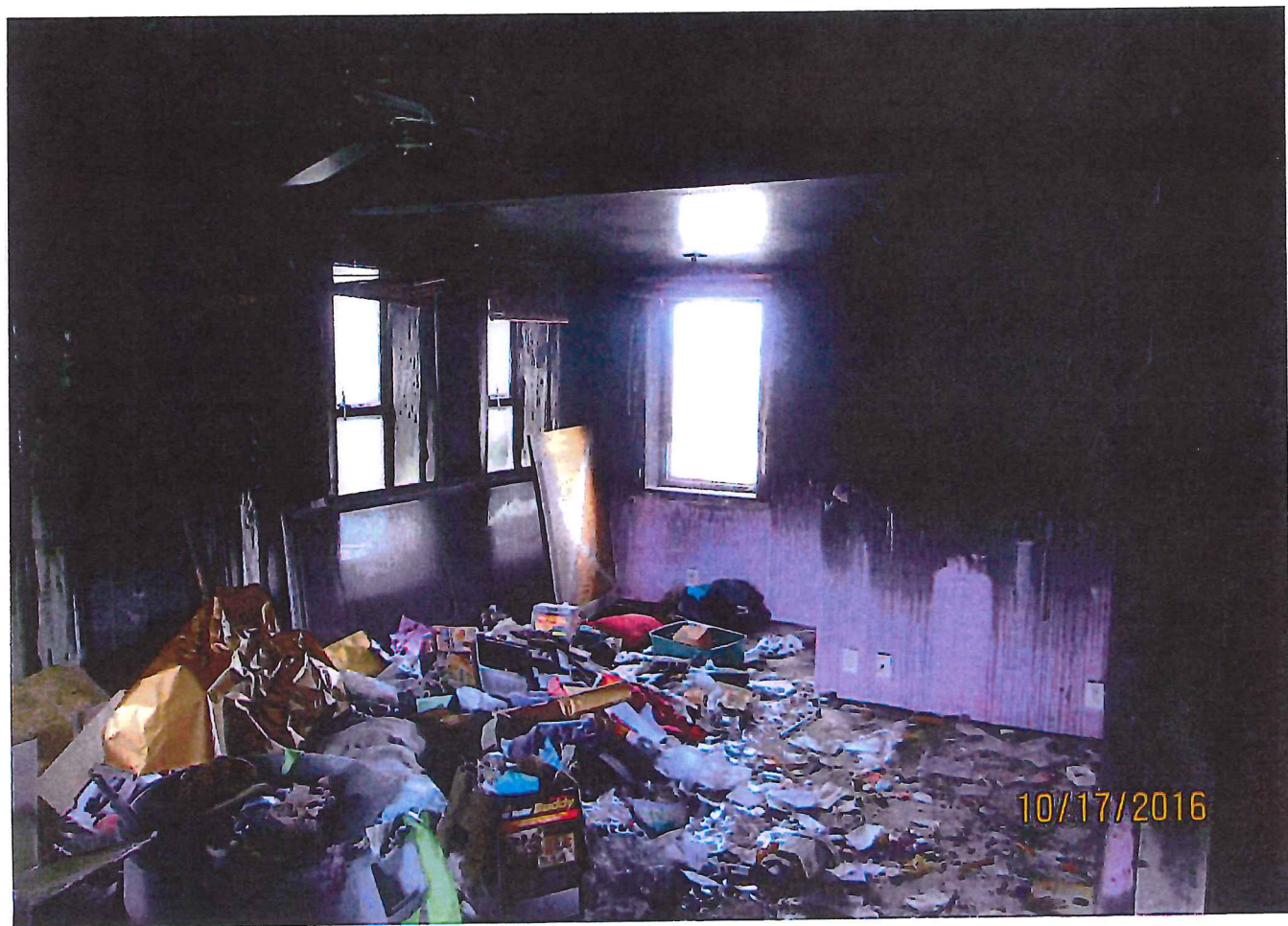
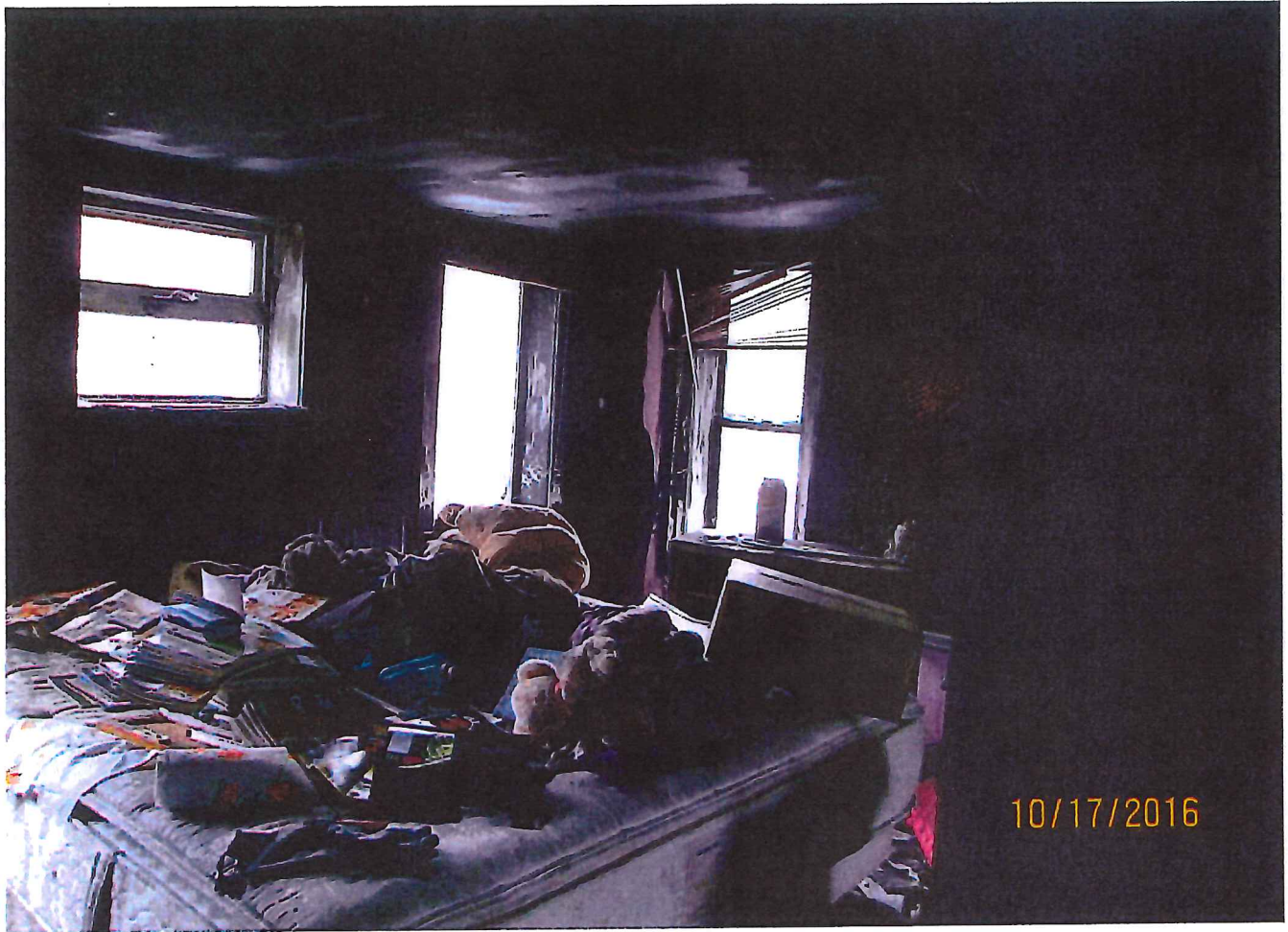




10/17/2016



10/17/2016









10/19/2016



10/19/2016



